

FILE: B-182027

DATE: DEC 23 1974

MATTER OF: Ann M. Havas - Payment for annual leave

DIGEST:

Although general rule is that authorized separation may not be rescinded by administration action after it was accomplished, where former employee was removed from position and not paid lump-sum for 86 hours of annual leave in excess of 240-hour maximum allowable under 5 U.S.C. § 5551 (1970), there is no objection to her restoration to rolls and change in effective date of her separation for purpose of paying her for such leave since separation date was fixed without regard to agency policy of counseling employees and permitting them, prior to separation, to use leave that would otherwise be forfeited.

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-164371

DATE: FEB 4 1975

MATTER OF: Prevailing Rate Employees--Lump-Sum Leave Payments

DIGEST: Civil Service Commission seeks GAO concurrence in application of 47 Comp. Gen. 773 (1968) to Prevailing Rate employees. Retroactive adjustments to wages of Prevailing Rate employees are governed by 5 U.S.C. § 5344 which places limitations on those categories of employees entitled to such adjustments. Employees separated prior to date wage increase is ordered into effect may have wages and/or lump-sum leave payments adjusted only if they died or retired between effective date of increase and date increase ordered into effect (and then only for services rendered during this period) or if they are in the service of the Government actively or on terminal leave status on date increase is ordered into effect.